

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP 21 2012

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

Edson Gardner, Attorney Pro-Se.
Uintah Indian Descendant.
Post Office Box 472
Fort Duchesne, Utah 84026
Telephone; (423) 722-8224 or 722-6707

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH CENTRAL DIVISION

Honorable Clair M. Poulson,
Judge of the Duchesne County
Justice Court, and Derek
Dalton,

Plaintiff(s),

v.

Ute Indian Tribe of the
Uintah and Ouray Reservation,
Business Committee for the Ute
Tribe of the Uintah and Ouray
Reservation, Tribal Court for
the Ute Tribe of the Uintah and
Ouray Reservation, Irene C. Cuch,
in her official capacity as Chairman
of the Business Committee for the
Ute Tribe, Ronald J. Wopsock, in
his official capacity as vice-
chairman of the Business Committee
for the Ute Tribe, Frances Poowewgup,
in her official capacity as a Member
of the Business for the Ute Tribe,
Stuart Pike, Sr., in his official
capacity as a Member of the for the
Ute Tribe, Richard Jenks, Jr., in his
official capacity as a Member of the
Business for the Ute Tribe, Phillip
Chimburas, in his official capacity
as a Member of the Business for the
Ute Tribe, Honorable Smiley Arrowchis,
in his official capacity as Chief Judge
of the Ute Trial Court, Dean Reed, and
Lynda Kozlowicz, Edson Gardner, Kozlowicz
& Gardner Advocate, Inc., a Ute Tribe Business

Civil No. 212-CV-00497

DEFENDANT GARDNER MOTION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE IN OPPOSITION TO
PLAINTIFF'S

Judge, Bruce S. Jenkins
Mag. Judge, Brooke C. Wells

License, and Athenya Swain, and Johnny Slim.

Defendant(s),

Defendant Edson Gardner, Uintah Indian Descendant, Attorney Pro-Se, et al., files Motion For Temporary Restraining Order And Order To Show Cause In Opposition To Plaintiff's, as Opposition to Plaintiffs Memorandum dated September 17, 2012. as follows;

1. Defendant Edson Gardner, Uintah Indian Descendant, pursuant to Ute Indian Tribe of the Uintah and Ouray Reservation v. State of Utah, 114 F. 3d 1513 (10th Cir. (10th Cir. 1997)). pursuant to Injunctions, Fed. R. Civ. P. 65 and Preliminary Injunction (a), and Temporary Restraining Order (b). requests District Court to enter Temporary Restraining Order and Order to Show Cause directing Plaintiff's to appear before this District Court and show cause, why preliminary injunction should not be issued in this matter enjoining Duchesne and Uintah County.

2. Enjoining Defendant Duchesne and Uintah County Officials from imposing County Tax's purporting to prevent Mr. Gardner on Trust Property on Tax's in Country Indian land located on Trust property within Uintah and Ouray Indian Reservation more specifically described herto as Duchesne and Uintah County within Indian Country, 25 U.S.C. 1151. Which Mr.

Gardner, Uintah Indian Descendant property is in Indian Country Trust property, held in trust by Acquisition of lands, water rights or surface rights, appropriation; title to lands; tax exemption, 25 U.S.C. 465, and Federal regulations, Land Acquisition, 25 U.S.C. 151.

3. Enjoining Plaintiffs from otherwise interfering, or causing interference with Mr. Gardner on property Tax's, and use of such Tax's and structures of Indian land, and use of such Tax's and structure of Indian Country, 18 U.S.C. 1151.

This motion is based on following;

A. The United States Department of the Interior has transferred parcels of real property located in Duchesne and Uintah County into to trust for benefits of Indians. As "Indian Trust property" the propoerty is exempt from Utah State and Duchesne and Uintah County local regulation including zoning and Tax regulations;

B. The Ute Tribe V. 10th Cir. in 1997. has entered into Indian Country with Mix-blood land providing for construction of Tax's of property on Indian Country Trust Land property bu Mr. Gardner, Uintah Indian Descendant.


C. Plaintiff Duchesne has issued Tax Order on basis that no Tax permit have been granted by State of Utah, and preveting Mr. Gardner from continuing Tax exempt on

construction and disregard Indian Country, 18 U.S.C. 1151 of Federal Trust land status of Indian land property.

D. The Tax Order creates ongoing immediate and irreparable harm in Plaintiffs interferes with Defendant Gardner Indian land, and prevents Defendant Gardner performance under Tax Exempt with of Indian Land; and denies Defendant Gardner's benefits of their Indian Land causing damages for which there is no remedy at law against Plaintiff Duchesne and Uintah County because of Tax's.

3. Defendant Gardner Motion is further based in Indian Country, 18 U.S.C. 1151 in support of Motion for Temporary Restraining Ordere filed.

Respectfully submitted this day 19 of September 2012.


Edson Gardner, Uintah
Indian Descendant,
Attorney Pro-Se.

CERTIFICATION OF SERVICE

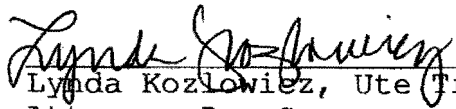
This certify true and correct copy of **DEFENDANT GARDNER AND KOZLOWICZ, ET AL., MOTION IN OPPOSITION TO PLAINTIFF'S MOTION TO CONTINUE HEARING OF SEPTEMBER 26, 2012**, foregoing delivered by mail first class, postage prepaid and addressed as follows on this 19, day of September, 2012.

Jesse C. Trentadue
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Noah M. Hoagland
Britten R. Butterfield
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Lynda Kozlowicz, Ute Tribal Member,
Attorney Pro-Se.

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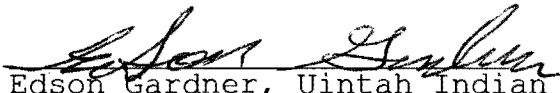
September 19, 2012.

U.S. District Court
Office of the Clerk
350 South Main Street, Suite 150
Salt Lake City, Utah 84101-2180

Re; Poulson v. Ute Indian Tribe, Case No. 2:12-CV-00497

The following **DEFENDANT GARDNER'S MOTION FOR TEMPORARY
RESTRASINING ORDER AND ORDER TO SHOW CAUSE IN OPPOSITION TO
PLAINTIFF'S**; is submitted for filing and review with United
States District Court of Utah. Please stamp and file.

Respectfully submitted.


Edson Gardner, Uintah Indian
Descendant, Attorney Pro-Se.

KOZLOWICZ & GARDNER
ADVOCATE, INC.
P.O. BOX 472
FORT DUCHESNE, UT 84026

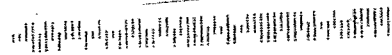


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United States District Court
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350 South Main Street, Suite 150
Salt Lake City, Utah 84101-2180